



IAP7 Rec'd PCT/PTO 14 AUG 2006

107

S/N 10/567,876

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Yohannes Tesfaigzi et al.

Examiner: Unknown

Serial No.: 10/567,876

Group Art Unit: 1634

Filed: February 8, 2006

Docket: 41543-0302-US

Title: Metalloproteinase Gene Polymorphism in COPD

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER
35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE
(DO/EO/US)**

Commissioner for Patents
P.O.Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notification of Missing Requirements mailed on June 9, 2006, Applicants' representative spoke with Patricia Booker in the National Stage Division of PCT Operations at the U.S. Patent and Trademark Office on July 5, 2006. Applicants' representative advised Ms. Booker that a copy of the signed Declaration from PCT/US04/26035 and a Request to Transfer Sequence Listing were filed with the Submission Under 35 U.S.C. 371 on February 8, 2006, copies of which are also enclosed herewith for the Office's convenience, along with a copy of the receipted postcard. During the telephone conversation, Ms. Booker confirmed that she had the Declaration and the Request to Transfer Sequence Listing in the file and that she would issue a Notice of Acceptance. She advised Applicants' representative that there was therefore no need to respond to the Notification of Missing Requirements.

Since we have not yet received the formal Notice of Acceptance, we are responding to the Notification to ensure that the above is made of record in this application. A copy of the Notification is also enclosed as required by the Office. We believe that the surcharge for late submission of the Declaration should be waived based upon Ms. Booker's statement to Applicants' representative that there was no need to respond to the Notification of Missing Requirements.

If any issues remain, the Office is cordially invited to telephone the undersigned attorney for Applicant at the telephone number listed below.

RESPONSE

Serial Number: 10/567,876

Filing Date: February 8, 2006

Title: Metalloproteinase Gene Polymorphism in COPD

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Dkt: 41543-0302-US

Respectfully submitted,

YOHANNES TESFAIGZI ET AL.

By their Representatives,

Peacock Myers, P.C.

P.O. Box 26927

Albuquerque, New Mexico 87125-6927

Telephone 505 998 6134

Date August 9, 2006

By

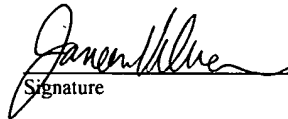

Janeen Vilven

Reg. No. 47,156

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner for Patents, P.O.Box 1450, Alexandria, VA 22313-1450 on this 9th day of August, 2006.

Janeen Vilven, Reg. No. 47,156

Name


Signature



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

U.S. APPLICATION NUMBER NO. 10/567,876	FIRST NAMED APPLICANT Yohannes Tesfaigzi	ATTY. DOCKET NO. 415430302US
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INTERNATIONAL APPLICATION NO. PCT/US04/26035

I.A. FILING DATE 08/11/2004	PRIORITY DATE 08/11/2003
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005179
PEACOCK MYERS, P.C.
201 THIRD STREET, N.W.
SUITE 1340
ALBUQUERQUE, NM 87102

RECEIVED

JUN 1 5 2006

Peacock Myers P.C.

Date Mailed: 06/09/2006

CONFIRMATION NO. 2360
371 FORMALITIES LETTER



OC000000019188624

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 02/08/2006
- Copy of the International Search Report filed on 02/08/2006
- Copy of IPE Report filed on 02/08/2006
- Copy of Annexes to the IPER filed on 02/08/2006
- Biochemical Sequence Listing filed on 02/08/2006
- Small Entity Statement filed on 02/08/2006
- Request for Immediate Examination filed on 02/08/2006
- U.S. Basic National Fees filed on 02/08/2006
- Priority Documents filed on 02/08/2006
- Specification filed on 02/08/2006
- Claims filed on 02/08/2006
- Abstracts filed on 02/08/2006

08/18/2006 ATRANI 00000157 134213 10567876

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Reply due 8/09/06

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$65** for a Small Entity:

- **\$65 Surcharge.**
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- **For Rules Interpretation, call (571) 272-0951**
- **For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.**
- **Send e-mail correspondence for Patentin Software Program Help @ ebc@uspto.gov**

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

PATRICIA A BOOKER

Telephone: (703) 308-9140 EXT 204

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/567,876	PCT/US04/26035	415430302US

Receipt is hereby acknowledged for the following in the
United States Patent and Trademark Office:

In re application of: Yohannes Tesfaigzi et al.
Attorney Docket No. 41543-0302-US
Filed: February 8, 2006
Title: Metalloproteinase Gene Polymorphism in COPD

CONTENTS: Express Mail Certificate; Transmittal Letter to
the DO/EO/US Concerning a Submission under 35 USC 371
(in duplicate) with filing fee check \$150; Application Data
Sheet; Request for Transfer of Sequence Listing and
Accompanying Statement; Transmittal of Formal Drawings
and formal drawings (3 sheets); copy of Declaration of
Inventorship from PCT/US04/26035; postcard

EXPRESS MAIL LABEL NO. E7779392542US
107567876

ATTORNEY: Janeen Vilven, Reg. No. 47,156
Mailing Date: February 8, 2006

IP3 Rec'd PCT/PTO
FEB 2006